

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STRIKE 3 HOLDINGS, LLC, a Delaware
corporation, ,

Plaintiff,

v.

JOHN DOE, subscriber assigned IP
address 73.225.38.130,

Defendant.

Case No. 2:17-cv-01731-TSZ

**PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF PLAINTIFF'S
MOTION TO DISMISS DEFENDANT'S
COUNTERCLAIMS**

I. RELIEF REQUESTED

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiff Strike 3 Holdings, LLC requests the Court take judicial notice of the following documents in support of its Motion to Dismiss Defendant's Counterclaims:

1. Defendant John Doe's Rule 68 Offer of Judgment in *Strike 3 Holdings, LLC v. Doe*, No. CV 3:17-2317-JAH-BLM, CM/ECF 15-1 (S.D. Cal. March 22, 2018), a true and correct copy of which is attached hereto as **Exhibit A** and;

2. Judgment in *Strike 3 Holdings, LLC v. Doe*, No. CV 5:17-07058-EJD, CM/ECF 23 (N.D. Cal March 6, 2018), a true and correct copy of which is attached hereto as **Exhibit B**.

REQUEST FOR JUDICIAL NOTICE
(2:17-CV-01731-TSZ) - 1

Fox Rothschild LLP
1001 FOURTH AVENUE, SUITE 4500
SEATTLE, WA 98154
206.624.3600

1 **II. AUTHORITY AND ARGUMENT**

2 A court may review external materials when considering a motion to dismiss if they are
 3 subject to judicial notice.” Fed. R. Evid. 201(b). “A court may take notice of factual matters
 4 that are either generally known or ‘capable of accurate and ready determination by resort to
 5 sources whose accuracy cannot be reasonably questioned.” *U.S. v. Ritchie*, 342 F.3d 903, 908–
 6 09 (9th Cir. 2003). Indeed, “courts regularly take judicial notice, under Rule 201, of judgments,
 7 orders, [and] actions . . . from other courts” *Elder-Evins v. Casey*, No. CV 09-05775 SBA
 8 LB, 2012 WL 2577589, at *4 (N.D. Cal. July 3, 2012) (collecting cases). Court regularly take
 9 “judicial notice of undisputed matters of public record, including documents on file in federal or
 10 state courts.” *Harris v. Cty. of Orange*, 682 F.3d 1126, 1132 (9th Cir. 2012). Here, the attached
 11 exhibits are documents on file in federal court, including a judgment, “whose accuracy cannot
 12 reasonably be questioned.”

13 **III. CONCLUSION**

14 For the foregoing reasons, Plaintiff respectfully requests the Court take judicial notice of
 15 the documents attached hereto as Exhibits A and B.

16 DATED this 29th day of March, 2018.

17 FOX ROTHSCHILD LLP

18 s/ Bryan J. Case

19 Bryan J. Case, WSBA #41781

20 Lincoln D. Bandlow, *Admitted Pro Hac Vice* (CSBA #170449)

21 *Attorneys for Plaintiff*

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

J. Curtis Edmondson, WSBA #43795
399 NE John Olsen Avenue
Hillsboro, Oregon 97124
Telephone: (503) 336-3749
Email: jcedmondson@edmolaw.com

☒ Via CM/ECF
☐ Via U.S. Mail
☐ Via Messenger Delivery
☐ Via Overnight Courier
☐ Via Facsimile

DATED this 29th day of March, 2018.

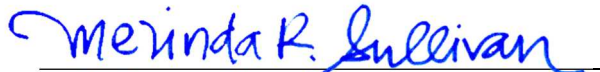

Melinda R. Sullivan
Legal Administrative Assistant

EXHIBIT A

EXHIBIT A

J. Curtis Edmondson, CSB# 236105
Kiren Rockenstein, CSB# 312301
Edmondson IP Law
Venture Commerce Center
3699 NE John Olsen Avenue
Hillsboro, OR 97124
Phone: 503-336-3749
Fax: 503-482-7418
Email: jcedmondson@edmolaw.com
Email: kiren@edmolaw.com

Attorney for Defendant DOE 76.247.176.87

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STRIKE 3 HOLDINGS, LLC,)	Case No.: 3:17-cv-2317-JAH-BLM
)	
Plaintiff,)	DEFENDANT JOHN DOE'S
)	RULE 68 OFFER OF JUDGMENT
vs.)	
)	
JOHN DOE subscriber assigned IP address)	
76.172.87.57,)	
)	
Defendant)	
)	

Defendant JOHN DOE subscriber assigned IP address 76.172.87.57 ("DOE")
pursuant to FRCP 68, makes the following offer of judgment on STRIKE 3 HOLDINGS,
LLC ("S3H") who has alleged infringement of the movies ("Works"), as attached to Exhibit
A of their Complaint at Docket 1:

Whereas DOE offers the following to S3H:

1. Judgment shall be entered in the amount of \$ 3,250.00 which includes all damages (statutory and/or actual), costs, and attorney fees for the claim of all copyright infringements, if any, as alleged in the complaint;

2. DOE shall:

- a. be permanently enjoined from any future infringements of S3H's copyrighted Works as alleged in the Complaint;
- b. delete and permanently remove the digital media files relating to S3H's Works as alleged in the complaint from each of the computers under DOE's possession, custody or control;

If DOE's offer is accepted by S3H within the period of 14 days after service, judgment shall be entered according to "1" and "2" above.

Respectfully Offered,

Dated: March 8, 2018



J. Curtis Edmondson (CASB #236105)
Edmondson IP Law
3699 NE John Olsen Avenue
Hillsboro, OR 97124
Email: jcedmondson@edmolaw.com
Attorney for DOE

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2018, I served a copy of the foregoing *RULE 68 OFFER*
by mail on the following (below):

Lincoln Bandlow
Fox Rothschild LLP
10250 Constellation Blvd., Suite 900
Los Angeles, CA 90067

Dated: March 8, 2018



J. Curtis Edmondson

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STRIKE 3 HOLDINGS, LLC,
Plaintiff,

v.

JOHN DOE SUBSCRIBER ASSIGNED IP
ADDRESS 76.247.176.87,
Defendant.

Case No. [5:17-cv-07058-EJD](#)

JUDGMENT

Re: Dkt. No. 22

Defendant having submitted an Offer of Judgment pursuant to Federal Rule of Civil Procedure 68 and Plaintiff having accepted the same (Dkt. No. 22), it is hereby IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Judgment shall be entered in favor of Plaintiff against Defendant in the amount of \$3,250.00 which includes all damages (statutory and/or actual), costs, and attorney fees for the claim of all copyright infringements, if any, as alleged in the Complaint;

2. Defendant shall:

a. be permanently enjoined from any future infringements of Plaintiff's copyrighted Works¹ as alleged in the Complaint; and

b. delete and permanently remove the digital media files relating to Plaintiff's Works as alleged in the complaint from each of the computers under Defendant's possession, custody or control.

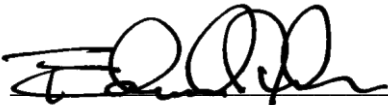
¹ The "Works" are the movies which Plaintiff alleged Defendant infringed, as attached to Exhibit A of the Complaint.

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The Clerk shall close this file.

IT IS SO ORDERED.

Dated: March 6, 2018



EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California